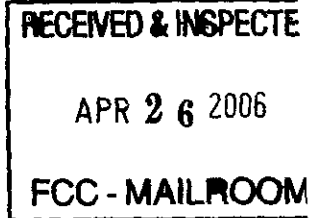


**UNION BAPTIST CHURCH FOR EXEMPTION  
FROM CLOSED CAPTION REQUIREMENTS**

Section 79.1 of the Commission's Rules



To: Commission Secretary  
Attention: Consumer & Governmental Affairs Bureau  
Disability Rights Office  
Federal Communications Commission

**PETITION FOR EXEMPTION**

Pursuant to Section 79.1(f) of the Commission's Rules and Regulations, 47 CFR § 79.1(f), UNION BAPTIST CHURCH, by and through its attorneys, SCOTT & SCOTT, P.C., hereby respectfully requests an exemption from the closed caption requirements of the Commission's Rules and Regulations. The undersigned alleges as follows:

UNION BAPTIST CHURCH respectfully submits this Petition for Exemption from the FCC Closed Caption Rules, 47 CFR § 79.1(f), for an hour long weekly services, broadcast on Sunday on WICS Channel 20, WCIA Channel 3, WAND Channel 17, UPN Channel 49, BET Channel 29 (hereinafter "Sunday Service"). The Petition should be granted pursuant to 47 CFR § 79.1(d)(8) and due to compliance with the closed caption likely resulting in infliction of an undue burden upon UNION BAPTIST CHURCH. Said undue burden would be contrary to the public interests.

The FCC's Rules expressly recognize that a waiver of the closed caption requirement is appropriate under several circumstances. Specifically, the Rules exempt any locally produced, non-news programming "with no repeat value." See 47 CFR § 79.1(d)(8). Unlike other "local religious programs" that the FCC occasionally has found not to qualify under this provision, UNION BAPTIST CHURCH's Sunday Service is

precisely the type of locally produced, non-news programming that qualifies for this exemption.

The Sunday Service is taped weekly at UNION BAPTIST CHURCH and aired shortly thereafter.<sup>1</sup> A threshold problem for UNION BAPTIST CHURCH, therefore, is the closed caption process itself takes significant time and most often would rob the weekly service of its topicality. This critical fact, coupled with the fact that the once run the Sunday Service has “no repeat value” establishes, UNION BAPTIST CHURCH’s entitlement to an exemption under 47 CFR § 79.1(d)(8).

Alternatively, the Rules provide for an exemption for any television station’s broadcast programming that the FCC has determined to be exempt on the basis that the closed caption requirement would place an undue burden on the programming producer. *See* 47 CFR § 79.1(d). Moreover, the FCC Rules provide specific procedures for programming producers to petition for the FCC for exemptions based on the “undue burden” standard. *See* 47 CFR § 79.1(f).

In this case, UNION BAPTIST CHURCH not only qualifies for exemption under 47 CFR § 79.1(d)(8), supra but also fully meets the FCC requirements for an exemption based under “undue burden.” Because of the imposition of the closed caption requirement with regard to the Sunday Service where it presents substantial difficulties and crippling expenses for UNION BAPTIST CHURCH.

UNION BAPTIST CHURCH reasonably estimates that the cost of closed caption for Sunday Service would be cost prohibitive resulting in the cancellation of the Sunday Service broadcasts.

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<sup>1</sup> Live broadcasts are more expensive than taped broadcasts.

UNION BAPTIST CHURCH's resources provide no cushion for additional annual expenses. It should be noted that, unlike other private programming providers, UNION BAPTIST CHURCH is a non-profit, charitable and educational entity.

The balance of the public interest factor is also strongly weighed in favor of FCC granting of an exemption to UNION BAPTIST CHURCH under the undue burden standard. Without an exemption, the video broadcast of the Sunday Service will certainly have to be canceled. The result - many homebound, elderly and disabled worshippers in Springfield Greater area would be denied weekly access to their Church, religion, religious traditions, and effectively would be denied the opportunity to practice their religion via television. These disenfranchised worshippers would include large numbers of disabled, sick and frail elderly residents in the Springfield area who cannot otherwise attend weekly religious services and who are dependent upon UNION BAPTIST CHURCH to satisfy their spiritual needs.

Apart from the exemption provisions of 47 CFR § 79.1(f) of the Rules, UNION BAPTIST CHURCH alternatively seeks a waiver of FCC Closed Caption Rules, 47 CFR § 79.1 on the basis that the FCC has held analogous circumstances that non-profit entities are entitled to waivers of certain FCC regulations, especially those rules and regulations that impose financial obligations upon non-governmental entities. For example, non-profit organizations generally are exempt from the FCC's Rules and policies involving the payment of annual regulatory fees. A denial of UNION BAPTIST CHURCH's request for waiver of the Closed Caption Rules, in these circumstances, would be an arbitrary and capricious departure from FCC precedent.

CONCLUSION: For the foregoing reasons an exemption from the FCC closed caption requirements for this weekly program UNION BAPTIST CHURCH'S Sunday Service is not only warranted but clearly such a result would best serve the public interests.

Respectfully submitted,

UNION BAPTIST CHURCH,

By:   
Howard A. Peters IV, one of its attorneys

PREPARED BY:  
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**SWORN STATEMENT OF TOMMY R. McJUNKINS**

STATE OF ILLINOIS           )  
  ) ss  
COUNTY OF SANGAMON )

REV. TOMMY R. McJUNKINS, being sworn, does swear under penalty of perjury that:

1. My name is Tommy R. McJunkins. I am a resident of the City of Springfield, County of Sangamon, State of Illinois, and I am the Pastor of Union Baptist Church of Springfield, Illinois.

2. I have read the foregoing Petition for Exemption submitted on behalf of Union Baptist Church which seeks an exemption from FCC Rules that generally require the closed captioning of certain programs broadcast on television stations in the United States.

3. I hereby verify that all of the factual statements contained in the Petition are correct including without limitation (a) all statements regarding Union Baptist Church's locally produced Sunday Services, which shall be broadcast on WICS Channel 20, WCIA Channel 3, WAND Channel 17, UPN Channel 49, BET Channel 29, and (b) matters pertaining to Union Baptist Church generally, including the inability of Union Baptist Church to provide any additional funds for closed captioning services for the Sunday Services, as well as the quoted costs.

4. Finally, I affirm that without exemption from the Closed Captioning Rules, Union Baptist Church likely would have to cancel production of broadcast of the Sunday Services on WICS Channel 20, WCIA Channel 3, WAND Channel 17, UPN Channel 49 and BET Channel 29.

Further Affiant sayeth not.

Rev. Tommy R. McJunkins  
REV. TOMMY R. McJUNKINS

Subscribed and sworn to before me this 25th day of April, A.D., 2006.

Kristi Lynn Noggle  
Notary Public

